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# Bristol-Myers Squibb Company

Patent Department, P.O. Box 4000, Princeton, NJ 08543-4000

DATE: December 4, 2002

**FACSIMILE TRANSMITTAL COVER SHEET**

**URGENT**

**FAX RECEIVED**

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*Petition*

TO: USPTO

FAX: 1 703 308 4556

# OF PAGES: 4 (INCLUDING FAX TRANSMITTAL SHEET)

FROM: Jing S. Belfield

FAX #: (609) 252-4526

PHONE #: (609) 467-5262

Re: U.S. Appln. Serial No. 09/924,381 – Filed: Aug. 8, 2001

**CERTIFICATE OF TRANSMISSION VIA FACSIMILE**

I hereby certify that this correspondence containing 1) copy of Notice Abandonment; 2) copy of returned postcard; 3) response dated 7/9/02 is being facsimile transmitted to the Patent and Trademark Office fax number 703-308-4556 on December 4, 2002 to supply the evidence that a reply was filed timely and to request revival of the application.

*Jing S. Belfield*  
Jing S. Belfield, Reg. No. 45,914

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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,381	08/08/2001	Patrick Y. Lam	DM-6904-A	2195

24348 7590 11/29/2002

BRISTOL-MYERS SQUIBB PHARMA COMPANY  
PATENT DEPARTMENT  
P.O. BOX 4000  
PRINCETON, NJ 08543-4000

EXAMINER

TRUONG, TAMTHOM NGO

ART UNIT

PAPER NUMBER

1624

DATE MAILED: 11/29/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**RECEIVED**  
**BMS PATENT LAW**

DEC 02 2002

Docketed Item \_\_\_\_\_

Due Date \_\_\_\_\_

Attorney \_\_\_\_\_

*Jing, mis indicates  
case still  
pending*

*5/6/02  
OA was responded  
to on 7/9/02 and  
acknowledged to  
PTO date stamp  
on 7/16/02*

*Lori*

# Notice of Abandonment

Application No.

09/924,381

Examiner

Tamthom N. Truong

Applicant(s)

LAM ET. AL.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 May 2002.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Applicant's agent, Jing Belfield, cannot be reached at the numbers of record (i.e., 302-992-2195, 302-695-1718, 609-252-3342).

*Brenda Coleman*  
**BRENDA COLEMAN**  
**PRIMARY EXAMINER**

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Case No.: [REDACTED]

Application No.: 09/924,381

Mailing Date: 7-9-02

Due Date: 8-6-02

Express Mail No.: \_\_\_\_\_

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the ~~amendment~~ checked below:

- ☒ + Req. for Reconsideration  
☐ Amendment/Response/Letter - Fee \$ \_\_\_\_\_  
☐ Appln. Filing Papers - Fee \$ \_\_\_\_\_  
    ☐ Non-provisional  
    ☐ Provisional Application  
    ☐ CPA ☐ DIV ☐ CONT ☐ CIP  
    ☐ Specification \_\_\_\_\_ Pg's

☐ Executed/Unexecuted Decl. - Fee \$ \_\_\_\_\_

☐ Missing Parts/Missing Req.

☐ Preliminary Amendment \_\_\_\_\_ Pg's

☐ Claim of Priority ☐ Certified Copy(s): \_\_\_\_\_

☐ Amendment After Final

☐ Notice of Appeal - Fee \$ \_\_\_\_\_

☐ Appeal Brief - Fee \$ \_\_\_\_\_

☐ Issue Fee Payment - \$ \_\_\_\_\_

☐ Assignment Rec. Req. - Fee \$ \_\_\_\_\_

☐ Formal Drawings \_\_\_\_\_ Pg's

☐ IDS \_\_\_\_\_ Pg's - Fee \$ \_\_\_\_\_

☐ PTO-1499 Form \_\_\_\_\_ Pg's

☐ Pet. for Ext. of Time - Fee \$ \_\_\_\_\_

☐ Seq. Listings \_\_\_\_\_ Pg's/Seq. Disk

BMS-PG. 5038

JSBtdp  
Initials